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EDWARD C. BURKS, LL. D.

When the last number of this journal was issued, JUDGE EDWARD C. BURKS, the editor-in-chief, was seriously ill at his home in Bedford. The apprehension, then expressed, that his illness would terminate fatally, was only too soon to be realized. On July 4 the end came, and the great lawyer rested from his labors.

Judge Burks had been editor-in-chief of the VIRGINIA LAW REGISTER since its establishment. It was the child of his old age, and he set himself to its work with an interest and an energy that knew no cessation. A student from his youth, and full to overflowing, as he was, of the law, he found his highest pleasure in dispensing of his bounteous store through the columns of the REGISTER. As age and physical infirmity crept upon him, with mind unimpaired, his interest in his editorial work increased in proportion to his inability to perform it. His relations with his younger associates in that work were so close, so affectionate, that he to whom falls the task of recording the distressing circumstance of his death, must speak of him only as the child of the father, and leave to others to tell, in critical and discriminating detail, the story of his life and his life's work.

As he appeared to us, Judge Burks was more fully imbued with the genius of the law, more diligent in the study of its principles, and more familiar with it as actually administered in the courts, than any of his contemporaries. Unless we except that remarkable man, the late William Green, of Culpeper, to whom tradition attributes professional acquirements little short of the marvelous, Judge Burks' knowledge of the Virginia decisions was probably not surpassed by that of any Virginia lawyer, past or present. He needed no digest of the Virginia

reports. There was scarcely an important case from first of Washington to 93 Virginia, that he could not cite by style and volume.

After his retirement from the bench of the Supreme Court of Appeals, a position which he filled with distinguished honor, Judge Burks practised but little before the courts. During the succeeding three years he was occupied chiefly with his work as one of the revisors of the Virginia Code. The remaining ten years of his life were spent at his home in Bedford City, in the retirement of his study, surrounded by his books. These were his daily, and even his nightly companions ; for in the eager pursuit of some elusive proposition, the new day would often surprise him at his toil. If he was an old-fashioned lawyer, it was in his rigorous standard of private and professional integrity, rather than in the love of black-letter learning, to the scorn of modern jurisprudence. His library was supplied with the latest legal publications, and he regarded it as a sacred duty to the profession to keep himself fully abreast of the recent developments of the law. From this quiet retreat he conducted, in addition to his editorial work, an extensive correspondence with lawyers, old and young, friends and strangers, throughout the State and beyond. To the Virginia bar, he was an oracle from whose shrine, open to all alike, there issued solutions for every difficult problem. His custom was to ignore no applicant who sought his counsel. Many of these inquiries demanded elaborate investigations, which were made not only without murmur or reward, but often with an ardor that overtaxed his physical strength. These opinions, though gratuitous, he never formulated at haphazard. They were prepared only after careful consideration, and were usually sustained by a full citation of authorities. Many of these were models of judicial opinions, and were not infrequently cited in the courts as authority of but little less force than binding precedents.

Judge Burks' sympathy with the younger members of the profession drew about him a large circle of friends from amongst their number, from all parts of the State. He was never too busy to entertain their applications for assistance, nor too learned to discuss, in the attitude of a learner himself, propositions of law with the youngest of his profes-

sional brethren. We can conceive of no more appropriate testimonial to his memory, or more beautiful tribute to his learning and generosity, than would be the collection and publication of his letters to the younger members of the Virginia bar.

It is a noteworthy circumstance, not without its melancholy aspect to every lover of our law, that after more than a half-century's diligent study of its principles, his deliberate and oft-expressed conviction was that the only certain thing about the law was its uncertainty.

Of Judge Burks' work as a successful advocate at the bar, as a distinguished judge of the Supreme Court of Appeals, as a revisor of the Virginia Code and as an editor of the VIRGINIA LAW REGISTER, we shall not speak. In a future number of this publication, we hope to present to our readers a study of his life and character, prepared by competent hands.

The private life of Judge Burks was singularly pure, and was hal-
lowed by the sweetest domestic ties. His character was moulded after
lofty patterns, and his views of men were broad and charitable. He
died as he had lived, a simple, unostentatious gentleman, faithful to
duty, and willing to be rated at his true worth. So rated, his place
is high amongst the honored names in Virginia's roll of distinguished
jurists.
